

3732

Practitioner's Docket No. 56786 (70301)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Harms, et al. Confirmation: 1414
Application No.: 10/034,545 Art Unit: 3732
Filed: December 21, 2001 Examiner: Philogene, Pedro
For: LENGTHWISE ADJUSTABLE SPACE-MAINTAINER FOR INSERTING
BETWEEN TWO VERTEBRAL BODIES

Mail Stop No Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an Amendment for this application.

STATUS

- 2.
- [] a small entity. A statement:
[] is attached.
[] was already filed.
[X] other than a small entity.

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MAR 18 2004
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CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service
with sufficient postage as first class mail in an
envelope addressed to Mail Stop No Fee
Amendment, Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450.

Date: March 15, 2004

FACSIMILE

- ☐ transmitted by facsimile to the Patent and
Trademark Office.

Signature

Helen Murray Tarbi
Helen Murray Tarbi

3.

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

4. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 420.00	\$ 210.00
<input type="checkbox"/>	three months	\$ 950.00	\$ 475.00
<input type="checkbox"/>	four months	\$ 1,480.00	\$ 740.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

[Col. 1]	[Col. 2]	[Col. 3] Small Entity			Other Than a Small Entity	
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee	Rate	Additional Fee
Total	Minus	=	x \$ 9 =	\$0.00	x \$ 18 =	\$0.00
Indep.	Minu	=	x \$43 =	\$0.00	x \$ 86 =	\$0.00
[] First Presentation of Multiple Dependent Claim			+\$145 =		+ \$290 =	
			Total Addit. Fee: \$		Total Addit. Fee \$	

-
- * If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,
 ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: *"After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).*

(complete (c) or (d), as applicable)

- (c) ☒ No additional fee for claims is required.

OR

- (d) ☐ Total additional fee for claims required \$

FEE PAYMENT

6. ☐ Attached is a check in the sum of \$
☐ Charge Account No. 04-1105 the sum of \$
 A duplicate of this transmittal is attached.

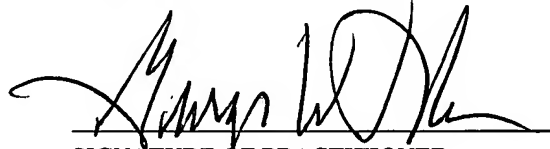
FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

7. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 04-1105.



SIGNATURE OF PRACTITIONER
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BOS2_437527.1



Attorney Docket No. 56786 (70301)

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop No Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 15, 2004.

By: Helen Murray Tarbi
Helen Murray Tarbi

RESPONSE TO OFFICE ACTION MAILED DECEMBER 15, 2003

Please amend the above-identified application as follows.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims begin on page 3 of this paper.

Remarks begin on page 5 of this paper.